

Message Text

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C O N F I D E N T I A L STATE 049453

E. O. 11652: GDS

TAGS: PGOV, PBOR, PFOR, GW, GE, WB, US, UK, FR

SUBJECT: DRAFT BK/ L ON BASIC TREATY AND INNER- GERMAN
ARRANGEMENTS

REF: BERLIN 413

1. DEPARTMENT HAS FOLLOWING COMMENTS AND SUGGESTIONS
CONCERNING THE DRAFT BK/ L (REFTEL) WHICH SHOULD BE TAKEN
INTO ACCOUNT WHENEVER A FURTHER REVIEW OF THIS TEXT IS
UNDERTAKEN BY THE ALLIED MISSION IN BERLIN.

2. WE WOULD PREFER THAT THE BK/ L NOT REFER TO THE QUADRI-
PARTITE AGREEMENT (QA) WHICH IN OUR VIEW DOES NOT DEAL
WITH WEST BERLIN- GDR RELATIONS, AND DOES NOT CONSTITUTE
THE AUTHORIZATION FOR FRG REPRESENTATION FOR WEST BERLIN.
WE SUGGEST THAT BOTH REFERENCES TO THE QA IN THE SECOND
SENTENCE OF PARA ONE BE OMITTED.

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3. IN OUR VIEW THE BK/ L COULD MORE EXPLICITLY EXPRESS
CONDITIONAL AUTHORIZATION FOR FRG REPRESENTATION OF
WEST BERLIN' S INTERESTS WITHIN THE GDR AND THE INCLUSION
OF WEST BERLIN IN FRG- GDR AGREEMENTS. TO THIS END, THE
DEPARTMENT HAS PREPARED A NEW PARAGRAPH 2 FOR INSERTION
IN THE DRAFT BK/ L.

4. SINCE OUR RESERVED RIGHTS ARE NOT LIMITED TO WEST

BERLIN, BUT APPLY THROUGHOUT THE CITY, WE BELIEVE IT
DESIRABLE TO MAKE THE LAST SENTENCE OF PARA ONE A SEPARATE
PARAGRAPH, AND AT THE SAME TIME DELETE THE REFERENCE TO
" WESTERN SECTORS OF".

5. FINALLY, THE DEPARTMENT BELIEVES THAT THE REASONS FOR
ISSUING A NEW BK/ L DERIVE FROM THE GEOGRAPHIC AND
POLITICAL SITUATION OF BERLIN AS WELL AS FROM THE
SPECIAL NATURE OF THE FRG- GDR RELATIONSHIP. PARAGRAPHS 2
AND 3 SHOULD BE RECAST TO REFLECT THIS POINT.

6. PUTTING TOGETHER THESE MODIFICATIONS, THE INTRODUCTORY
FOUR PARAS OF DRAFT BK/ L TEXT WOULD READ:

BEGIN TEXT. 1. THE ALLIED KOMMANDATURA RAISES NO OBJECTION
TO THE APPLICATION TO BERLIN OF THE LAW RELATING TO THE
TREATY ON THE BASIS OF RELATIONS BETWEEN THE FRG AND THE
GDR, WHICH CONTEMPLATES THE APPLICATION TO THE WESTERN
SECTORS OF BERLIN OF CERTAIN CLAUSES OF THE TREATY AND
OF THE ATTACHED DOCUMENTS. THESE ARRANGEMENTS PROVIDE
THAT THE AGREEMENTS AND REGULATIONS REFERRED TO IN
ARTICLE 7 MAY, IN APPROPRIATE CASES, BE EXTENDED TO THE
WESTERN SECTORS OF BERLIN AND THAT THE FEDERAL REPUBLIC' S
PERMANENT MISSION TO THE GDR, PROVIDED FOR IN ARTICLE 8,
WILL REPRESENT THE INTERESTS OF THE WESTERN SECTORS OF
BERLIN.

2. THE ALLIED KOMMANDATURA, WITHOUT PREJUDICE TO THE
ALLIED RIGHT OF CONTROL, AUTHORIZES THE EXTENSION TO THE
WESTERN SECTORS OF BERLIN OF APPROPRIATE AGREEMENTS OF
THE FRG WITH THE GDR AND THE REPRESENTATION BY THE
FRG OF THE INTERESTS OF THE WESTERN SECTORS OF BERLIN
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WITH REGARD TO THE GDR IN APPROPRIATE FASHION, SUBJECT

TO THE CONDITIONS SET FORTH BELOW.

3. SUCH EXTENSION AND SUCH REPRESENTATION SHALL IN NO WAY AFFECT THE RIGHTS AND RESPONSIBILITIES OF THE ALLIED AUTHORITIES FOR BERLIN, IN PARTICULAR THOSE INVOLVING SECURITY AND STATUS.

4. GIVEN THE SPECIAL NATURE OF THE RELATIONSHIP OF THE FRG AND THE GDR AND THE PARTICULAR EFFECT FOR THE WESTERN SECTORS OF BERLIN WHICH THEIR INCLUSION IN FRG AGREEMENTS WITH THE GDR AND THE REPRESENTATION OF THEIR INTERESTS BY THE FRG WITH THE GDR MAY HAVE, THE ALLIED KOMMANDATURA CONSIDERS IT DESIRABLE TO SET FORTH CONDITIONS SEPARATE FROM THOSE CONTAINED IN BKC/ L(52)6 AND ITS AMENDMENTS. ACCORDINGLY, THE SENAT IS AUTHORIZED TO MAKE THE APPROPRIATE ARRANGEMENTS WITH THE FEDERAL REPUBLIC ON THE FOLLOWING BASIS:... END TEXT. ROGERS

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